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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

VICENTE GONZALEZ,)	No.
)	
Plaintiff,)	
v.)	Judge
)	
PURDY BROS TRUCKING CO., a foreign)	Circuit Court of Cook County, State of
Corporation, and MARK DAVID TIPTON,)	Illinois (No. 15 L 009749)
)	
Defendants.)	

NOTICE OF REMOVAL

To: Steven C. Armbruster
The Vrdolyak Law Group
9618 S. Commercial Avenue
Chicago, Illinois 60617

Clerk of the Circuit Court
Richard J. Daley Center
Chicago, Illinois 60602

NOW COMES the defendant, PURDY BROTHERS TRUCKING, LLC, incorrectly sued as PURDY BROS TRUCKING CO., (“Purdy Brothers”), by and through their attorneys, MICHAEL R. LaBARGE and ANGIE M. GROVE, and respectfully files this Notice of Removal pursuant to 28 U.S.C. §§1332, 1441, and 1446. In support thereof, defendant states as follows:

1. On September 24, 2015, plaintiff Vicente Gonzalez (“Gonzalez”) filed a Complaint in the Circuit Court of the Cook County, Illinois against Purdy Brothers and Mark David Tipton (“Tipton”) captioned *Vicente Gonzalez v. Purdy Bros Trucking Co. and Mark Tipton*, Case No. 2015 L 009749 (“State Court Action”). (Plaintiff’s Complaint is attached as Exhibit A.)

2. Plaintiff alleges that he sustained compensable injuries as a result of a motor vehicle accident that occurred on June 19, 2015 on I-55 at or near First Avenue, Summit, Cook County, Illinois. (Exhibit A, ¶¶1, 8, 11.) Plaintiff further alleges that the negligence of Purdy

Brothers and its employee/agent, Tipton, proximately caused the aforesaid accident and his resultant injuries. (Exhibit A, ¶10.)

3. Purdy Brothers was served with the Complaint on October 13, 2015. (Plaintiff has not filed his Proof of Service in the State Court Action, to date.)

4. Upon information and belief, co-defendant Tipton has not been served with the Complaint in the State Court Action. However, upon further information and belief, Tipton would consent to Removal of the State Court Action to the Northern District of Illinois, Eastern Division.

5. Upon information and belief, plaintiff is a citizen of Illinois because he resides in Countryside, Illinois. (Illinois Traffic Crash Report is attached as Exhibit B.)

6. Purdy Brothers is a citizen of Delaware, where it is legally incorporated, and Alabama, the location of its principal place of business. (Declaration of Doug Surrett, President of Purdy Trucking, is attached as Exhibit C.)

7. Upon information and belief, Tipton is a citizen of Tennessee because he resides in Crossville, Tennessee. (Exhibit B.)

8. Based upon plaintiff's allegations in his Complaint and his partial medical specials itemization, plaintiff is seeking damages in excess of \$75,000. Plaintiff alleges in his Complaint that he suffered injuries and damages of a personal, pecuniary, and permanent nature as a result of the motor vehicle accident. (Exhibit A, ¶11.) Plaintiff demands judgment in excess of \$50,000. (Exhibit A.) Plaintiff's counsel filed an Affidavit pursuant to Illinois Supreme Court Rule 222(b) affirming that the damages being sought exceed \$50,000. (Exhibit A.) Moreover, Plaintiff's counsel provided an itemization detailing plaintiff's medical treatment and bills, as of September 25, 2015, following the motor vehicle accident. (Itemization is attached as Exhibit D.)

Plaintiff alleges partial medical specials of \$51,380.41. (Exhibit D.) Upon information and belief, plaintiff's treatment is on-going and his claimed medical specials are expected to increase.

9. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §1332(a) because there is complete diversity of jurisdiction between plaintiff, Purdy Brothers, and Tipton and because plaintiff is seeking more than \$75,000 in damages as a result of the motor vehicle accident.

10. A true and correct copy of the Complaint from the State Court Action which was served upon defendant is attached and filed with this Notice of Removal in compliance with 28 U.S.C. §1446. (Exhibit A.)

11. Defendant's Notice of Removal was filed within 30 days of when defendant was served with plaintiff's Complaint. Consequently, Removal is timely filed in accordance with 28 U.S.C. §1446(b).

12. Moreover, venue is proper in this Court pursuant to 28 U.S.C. §1441(a) and 1446(a) because the Northern District of Illinois, Eastern Division, is the Federal Judicial District that exercises jurisdiction over the Circuit Court of Cook County, Illinois, where the State Court Action is pending and the location of the alleged motor vehicle accident.

13. By this Notice of Removal, defendant does not waive any objection it may have as to service, jurisdiction or venue, or any other defenses or objections it may have to this action. Defendant intends no admissions of fact, law, or liability by this Notice and expressly reserves all defenses, motions, and/or pleas.

WHEREFORE, the defendant, PURDY BROTHERS TRUCKING, LLC, by and through its attorneys, MICHAEL R. LaBARGE and ANGIE M. GROVE, respectfully request that this

action proceed in the Northern District of Illinois, Eastern Division, and for any further relief this Court deems appropriate.

By: /s/ Michael R. LaBarge

By: /s/ Angie M. Grove

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CERTIFICATE OF SERVICE

I hereby certify that on November 12, 2015, I electronically filed the foregoing Notice of Removal with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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/s/ Michael R. LaBarge
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/s/ Angie M. Grove
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